

USDC SDNY  
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Defendant:

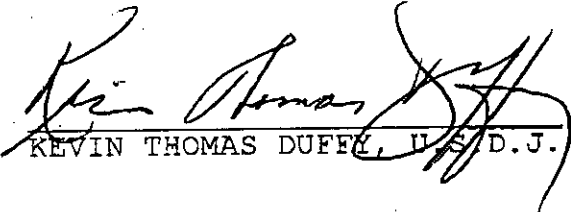
ORDER

Bazuaye appealed and filed a motion in the Court of Appeals seeking a remand of the case for resentencing. On June 27, 2005, the Court of Appeals, on consent of the government and pursuant to United States v. Booker, \_\_\_ U.S. \_\_\_, 125 S. Ct. 738 (2005), and United States v. Fagans, 406 F.3d 138 (2d Cir. 2005), issued a mandate stating that "the case is remanded to the district court with instructions to vacate the sentence and resentence Appellant in conformity with Booker." Accordingly, Bazuaye's resentencing is hereby set for 10:00 A.M., September 27, 2005.

Finally, Bazuaye's pro se motion seeking "an order granting Release [sic] pending appeal and/or resentencing" is DENIED.

SO ORDERED

Dated: New York, N.Y.  
August 10, 2005

  
KEVIN THOMAS DUFFY, U.S.D.J.

*Copies Mailed to Counsel of Record 8/10/05*